

☒ Attorney for: Karl T. Anderson, Chapter 7 Trustee

Debtor(s).

Location: Courtroom 303, 3420 Twelfth Street, Riverside, CA 92501

Last date to file objections: 10/19/2016

Real property located at 19024 Ruppert Street, Palm Springs, CA 92262

See attached and Motion.

F 6004-2.NOTICE.SALE

Overbid procedure (if any):

See attached and Motion at Section I.C.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Property is to be sold free and clear of liens and other interested on:

Date: November 2, 2016

Time: 11:00 a.m.

Ctrm: 303

3420 Twelfth Street

Riverside, CA 92501

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Melissa Davis Lowe

SHULMAN HODGES & BASTIAN LLP

100 Spectrum Center Drive, Suite 600

Irvine, California 92618

Telephone: (949) 340-3400

Facsimile: (949) 340-3000

Email: mlowe@shbllp.com

RichardA. Halderman, Jr.

3857 Birch Street, Suite 480

Newport Beach, CA 92660

Telephone: (949) 500-8324

Date: 10/11/2016

Terms and Conditions of Sale

The Trustee has received an offer from Sherry Mohageri (“Buyer”), address 21976 Yellowstone Lane, Lake Forest, CA 92630, to purchase the Estate’s interest in real property located at 19024 Ruppert Street, Palm Springs, CA 92262 (“Property”) for \$675,000 all cash, subject to overbids. The Buyer is purchasing the Property “AS IS” without warranties of any kind, expressed or implied, being given by the Trustee, concerning the condition of the Property or the quality of the title thereto, or any other matters relating to the Property. The sale will be free and clear of certain liens pursuant to Bankruptcy Code §363(b)(1) and (f).

Overbid Procedure

The Trustee has determined it would benefit the Estate to permit all interested parties to receive information and bid for the Property instead of selling to the Buyer on an exclusive basis. Accordingly, in order to obtain the highest and best offer for the Property, the Trustee is utilizing, and seeks Court approval of, the following bidding procedures (“Bidding Procedures”):

1. Potential overbidder(s) must bid an initial amount of at least \$5,000 over the Purchase Price, or \$680,000. Minimum bid increments thereafter shall be \$1,000. The Trustee shall have sole discretion in determining which overbid is the best for the Estate and will seek approval from the Court of the same.

2. Overbids must be in writing and be received by the Trustee and the Trustee’s counsel, Shulman Hodges & Bastian LLP to the attention of Melissa Lowe on or before **three business days prior to the hearing on the Motion.**

3. Overbids must be accompanied by certified funds in an amount equal to three percent of the overbid purchase price.

4. The overbidder must also provide evidence of having sufficient specifically committed funds to complete the transaction, or a lending commitment for the bid amount and such other documentation relevant to the bidder’s ability to qualify as the purchaser of the Property and ability to close the sale and immediately and unconditionally pay the winning bid purchase price at closing.

5. The overbidder must seek to acquire the Property on terms and conditions not less favorable to the Estate than the terms and conditions to which the Buyer has agreed to purchase the Property as set forth in the Commercial Property Purchase Agreement and Joint Escrow Instructions (“Agreement”) attached to the Motion as **Exhibit 3** to the Anderson Declaration, including closing on the sale of the Property in the same time parameters as the Buyer.

6. All competing bids must acknowledge that the Property is being sold on an “AS IS” basis without warranties of any kind, expressed or implied, being given by the Trustee, concerning the condition of the Property or the quality of the title thereto, or any other matters relating to the Property. The competing bid buyer must represent and warrant that he/she is purchasing the Property as a result of their own investigations and are not buying the Property

pursuant to any representation made by any broker, agent, accountant, attorney or employee acting at the direction, or on the behalf of the Trustee. The competing bidder must acknowledge that he/she has inspected the Property, and upon closing of Escrow governed by the Agreement, the competing buyer forever waives, for himself/herself, their heirs, successors and assigns, all claims against the Debtor, his attorneys, agents and employees, the Debtor's Estate, Karl T. Anderson as Trustee and individually, and his attorneys, agents and employees, arising or which might otherwise arise in the future concerning the Property.

7. If overbids are received, the final bidding round for the Property shall be held at the hearing on the Motion in order to allow all potential bidders the opportunity to overbid and purchase the Property. At the final bidding round, the Trustee or his counsel will, in the exercise of their business judgment and subject to Court approval, accept the bidder who has made the highest and best offer to purchase the Property, consistent with the Bidding Procedures ("Successful Bidder").

8. At the hearing on the Motion, the Trustee will seek entry of an order, *inter alia*, authorizing and approving the sale of the Property to the Successful Bidder. The hearing on the Motion may be adjourned or rescheduled without notice other than by an announcement of the adjourned date at the hearing on the Motion.

9. In the event the Successful Bidder fails to close on the sale of the Property within the time parameters approved by the Court, the Trustee shall retain the Successful Bidder's Deposit and will be released from his obligation to sell the Property to the Successful Bidder and the Trustee may then sell the Property to the First Back-Up Bidder approved by the Court at the hearing on the Motion.

10. In the event First Back-Up Bidder fails to close on the sale of the Property within the time parameters approved by the Court, the Trustee shall retain the First Back-Up Bidder's Deposit and will be released from her obligation to sell the Property to the First Back-Up Bidder and the Trustee may then sell the Property to the Second Back-Up Bidder approved by the Court at the hearing on the Motion.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
100 Spectrum Center Drive, Suite 600, Irvine CA 92618.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 10/11/2016, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Karl T Anderson (TR) edansie@hotmail.com, kanderson@ecf.epiqsystems.com
- Richard T Baum rickbaum@hotmail.com, rickbaum@ecf.inforuptcy.com
- John A Boyd fednotice@tclaw.net
- Matthew R. Clark mclark@rasflaw.com, ras@ecf.courtdrive.com; bkyecf@rasflaw.com

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On 10/11/2016, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 10/11/2016, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

PERSONAL DELIVERY: Honorable Meredith A. Jury, USBC, 3420 Twelfth Street, Bin outside of Crtrm 301, Riverside, CA 92501-3819

EMAIL: Jack C. Pryor: acesssolar760gmail@icloud.com

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

10/11/2016
Date

Steven P. Swartzell
Printed Name

/s/ Steven P. Swartzell
Signature

PROOF OF SERVICE (cont'd)

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- Russell Clementson russell.clementson@usdoj.gov
- Everett L Green everett.l.green@usdoj.gov
- Elsa M Horowitz ehorowitz@wrsllawyers.com, aparisi@wrsllawyers.com
- Melissa Davis Lowe mdavis@shbllp.com, sswartzell@shbllp.com
- Kelly M Raftery bknotice@mccarthyholthus.com, kraftey@ecf.courtdrive.com
- John M Samberg jsamberg@wrsllawyers.com, lsimar@wrsllawyers.com
- Jason K Schrader jason.K.Schrader@usdoj.gov
- Leonard M Shulman lshulman@shbllp.com
- Mohammad Tehrani Mohammad.V.Tehrani@usdoj.gov
- United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov
- Stephen R Wade srw@srwadelaw.com, rudy@srwadelaw.com
- Kristin A Zilberstein bknotice@mccarthyholthus.com,
kzilberstein@mccarthyholthus.com;kzilberstein@ecf.inforuptcy.com

2. SERVED BY UNITED STATES MAIL:

DEBTOR

JACK C PRYOR
PO BOX 43621
LOS ANGELES, CA 90043-0621

NEF - ATTORNEY FOR DEBTOR

STEPHEN R WADE
THE LAW OFFICES OF STEPHEN R WADE
350 W FOURTH ST
CLAREMONT, CA 91711-4733

NEF - INTERESTED PARTY

UNITED STATES TRUSTEE (RS)
3801 UNIVERSITY AVENUE, SUITE 720
RIVERSIDE, CA 92501-3255

NEF - CHAPTER 7 TRUSTEE

KARL T ANDERSON (TR)
340 SOUTH FARRELL DRIVE, SUITE A210
PALM SPRINGS, CA 92262-7932

CREDITOR LISTING

BLUE TEE CORP DBA BROWN-STRAUSS
STEEL
WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN
5594 B LONGLEY LANE
RENO, NV 89511

CREDITOR LISTING

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRU
C/O MCCARTHY & HOLTHUS, LLP
1770 FOURTH AVENUE
SAN DIEGO, CA 92101-2607

CREDITOR LISTING

EMPLOYMENT DEVELOPMENT DEPT.
BANKRUPTCY GROUP MIC 92E
P.O. BOX 826880
SACRAMENTO, CA 94280-0001

CREDITOR LISTING

FRANCHISE TAX BOARD
BANKRUPTCY SECTION MS: A-340
P.O. BOX 2952
SACRAMENTO, CA 95812-2952

CREDITOR LISTING

MCCRANN TRUST, MILLER TRUST, OLSON
TRUST AND
THOMPSON & COLEGATE LLP
JOHN A. BOYD
PO BOX 1299
RIVERSIDE, CA 92502-1299

CREDITOR LISTING

APPLIED BANK
BANKRUPTCY DEPT.
PO BOX 70165
PHILADELPHIA, PA 19176-0165

CREDITOR LISTING

BLUE TEE CORP. DBA BROWN-STRAUSS
STEEL
C/O JOHN SAMBERG, ESQ.
ELSA HOROWITZ, ESQ.
WRSSR
5594 B LONGLEY LANE
RENO, NEVADA 89511

CREDITOR LISTING

BANK OF AMERICA
ATTN: BANKRUPTCY NC4-105-03-14
PO BOX 26012
GREENSBORO, NC 27420-6012

PROOF OF CLAIM ADDRESS

BLUE TEE CORP. DBA BROWN-STRAUSS
STEEL
C/O WOLF, RIFKIN, SHAPIRO, SCHULMAN
& RABKIN
11400 W OLYMPIC BLVD, 9TH FL
LOS ANGELES, CA 90064-1582

CREDITOR LISTING

CAPITAL ONE BANK (USA), N.A.
PO BOX 71083
CHARLOTTE, NC 28272-1083

PREFERRED ADDRESS

CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

CREDITOR LISTING

CAPITAL ONE, N.A.
PO BOX 71083
CHARLOTTE, NC 28272-1083

PROOF OF CLAIM ADDRESS

CHINO ENGINEERING CONSTRUCTORS, INC.
C/O FIELDS LAW GROUP, LLP
115 S. CHAPARRAL COURT, SUITE 100
ANAHEIM, CA 92808

CREDITOR LISTING

CITIBANK (SOUTH DAKOTA) NA
PO BOX 6500
SIOUX FALLS, SD 57117-6500

CREDITOR LISTING

CITY LOAN
ATTN: VAI MOLIGA
3431 CHERRY AVENUE
LONG BEACH, CA 90807-4911

CREDITOR LISTING

CREDIT ONE BANK, N.A.
PO BOX 98873
LAS VEGAS, NV 89193-8873

CREDITOR LISTING

DEPARTMENT OF TREASURY
INTERNAL REVENUE SERVICE
PO BOX 7346
PHILADELPHIA, PA 19101-7346

CREDITOR LISTING

DISCOVER BANK
DB SERVICING CORPORATION
PO BOX 3025
NEW ALBANY, OH 43054-3025

CREDITOR LISTING

DISCOVER BANK
DISCOVER PRODUCTS INC
PO BOX 3025
NEW ALBANY, OH 43054-3025

CREDITOR LISTING

FIRST NATIONAL
BANKRUPTCY DEPT.
PO BOX 5097
SIOUX FALLS, SD 57117-5097

CREDITOR LISTING

LVNV FUNDING, LLC ITS SUCCESSORS
AND ASSIGNS
ASSIGNEE OF FNBM, LLC
RESURGENT CAPITAL SERVICES
PO BOX 10587
GREENVILLE, SC 29603-0587

CREDITOR LISTING

MERRICK BANK
RESURGENT CAPITAL SERVICES
PO BOX 10368
GREENVILLE, SC 29603-0368

CREDITOR LISTING

MFTDS, INC.
C/O STEVEN AND ANDREA WHEELER
PO BOX 2467
TEMECULA, CA 92593-2467

CREDITOR LISTING

MACY'S
ATTN: BANKRUPTCY DEPT.
PO BOX 8053
MASON, OH 45040-8053

CREDITOR LISTING

MCCRANN TRUST
37146 FORMBY COURT
MURRIETA, CA 92562-5080

**CREDITOR LISTING/PROOF OF CLAIM
ADDRESS**

MCCRANN TRUST, ET AL.
C/O THOMPSON & COLEGATE LLP
3610 FOURTEENTH STREET
PO BOX 1299
RIVERSIDE, CA 92502-1299

CREDITOR LISTING

MEDICREDIT CORPORATION
1801 CALIFORNIA AVENUE
CORONA, CA 92881-7251

CREDITOR LISTING

ONE MAIN FINANCIAL, INC.
PO BOX 6042
SIOUX FALLS, SD 57117-6042

CREDITOR LISTING

PONTIS CAPITAL, LLC
ATTN: DALE KIM
440 S VERMONT AVE, #220
LOS ANGELES, CA 90005

PROOF OF CLAIM ADDRESS

PONTIS CAPITAL, LLC
C/O RICHARD T. BAUM
11500 W. OLYMPIC BLVD. #400
LOS ANGELES, CA 90064

PREFERRED ADDRESS

PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

CREDITOR LISTING

SELECT PORTFOLIO SERVICING, INC.
PO BOX 65277
SALT LAKE CITY, UT 84165-0277

PREFERRED ADDRESS

US BANK
PO BOX 5229
CINCINNATI OH 45201-5229

CREDITOR LISTING

WELLS FARGO BANK, N.A.
ATTENTION: BANKRUPTCY DEPARTMENT
MAC# D3347-014
3476 STATEVIEW BLVD
FORT MILL SC 29715-7203

CREDITOR LISTING

WELLS FARGO HOME MORTGAGE
PO BOX 14411
DES MOINES, IA 50306-3411

LIEN HOLDERS

NORTH PALM SPRINGS BUSINESS
CENTER OWNERS ASSN
REGISTERED AGENT: NANCY WEDDLE
77-734 COUNTRY CLUB DR
STE F-2
PALM DESERT, CA 92211

PROPOSED BUYER

SHERRY MOHAGERI
21976 YELLOWSTONE LANE, LAKE
FOREST, CA 92630

UNDELIVERABLE

PONTIS CAPITAL, LLC

LIEN HOLDERS

NORTH PALM SPRINGS BUSINESS CENTER
OWNERS ASSN
ATTN: PRINCIPAL
PO BOX 13164
PALM DESERT, CA 92255-3164

RIVERSIDE COUNTY TAX COLLECTOR

4080 LEMON STREET FL 3
RIVERSIDE, CA 92501

N/A

RIVERSIDE DIVISION
3420 TWELFTH STREET,
RIVERSIDE, CA 92501-3819

LIEN HOLDERS

CEDA
500 BERCUT DRIVE, SUITE G
SACRAMENTO, CA 95811

RETURNED MAIL

UNDELIVERABLE

COURTESY NEF

DUPLICATE

CREDITOR LISTING

BLUE TEE CORP DBA BROWN STRAUSS
STEEL
C/O WOLF RIFKIN & SHAPIRO SCHULMAN &
RAB
ATTN: JOHN M SAMBERG, ESQ
5594-B LONGLEY LANE
RENO NV 89511

RETURNED 4/14/16; NOT DELIVERABLE

AS ADDRESSED; UNABLE TO

FORWARD

CREDITOR LISTING

CARE CREDIT
C/O GEGRB
ATTN: BANKRUPTCY
PO BOX 1950
MORRISTOWN, NJ 07962-1950

CORRECTED PER PROOF OF CLAIM FILED

6/3/16

CREDITOR LISTING

PONTIS CAPITAL, LLC
440 S VERMONT AVE, #220
LOS ANGELES, CA 90020-1988

RETURNED 6/20/16; BOX CLOSED; UNABLE

TO FORWARD

CREDITOR LISTING

MERRICK BANK
BANKRUPTCY DEPT
PO BOX 30357
TAMPA, FL 33630-3357